

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING October 11, 2012

Call to Order

ROLL CALL: LACHAWIEC X WETTER X TREDY X

Flag Salute

STATEMENT: Pursuant to the provisions of the New Jersey Open Public Meeting Act, adequate notice of this meeting was properly provided by sending a copy of the Notice of Meeting to two newspapers, The Asbury Park Press and the Press of Atlantic City. The Notice was posted at the office of the Township Clerk

Committee Reports

Deputy Mayor – Tina Wetter

The Waretown Historical Society will be presenting a Candlelight Ghost Tour, walking through the haunts of Waretown's Colonial and Victorian residences and telling tales of how our ancestors lived and died. The tour is October 27, 2012 at 4:30pm at the Little Red Schoolhouse Museum. Refreshments will be served. The cost is \$10 per person. Call (609) 661-1733 to reserve tickets.

A beautiful new fire truck was delivered to the Waretown Volunteer Fire Company this week. The truck is needed for areas within the Township without water connections.

Mayor Tredy discussed the truck's 3,000 gallon capacity to accommodate areas west of Route 9.

Mayor – Dennis F. Tredy

The 14th Annual Haunted Hayride is sponsored by the Waretown Volunteer Fire Company and the Founder's Day Committee. It will take place Friday and Saturday, October 19 & 20, 2012, from 7:00pm to 10:00pm. The volunteers spend a lot of time coming up with skits and wearing makeup and costumes.

Resolution 2012-332 – appoints Police Officer Kyle Pimm. The Township of Ocean Police Department is very dedicated and hardworking. The Police Department has officers retiring. Officer Kyle Pimm is a local resident and will be an asset to the Department.

Committeeman – Joseph Lachawiec

The Township of Ocean was granted a CERT Trailer by the State Homeland Security Department, along with a check for \$1,000 to provide shelving and ancillary equipment for the trailer. The shelving and equipment have been installed. There will also be some lighting additions to the trailer.

The Barnegat Bay Blitz will take place October 18, 2012. The area between the Waretown Lake and Shop Rite Plaza is littered with junk, tires, sofas and boats. Last year 30-40 tires were removed from that area. The Barnegat Bay Blitz is held every year to clean littered properties.

Administrator Report

Administrator – David Breeden

Ordinance 2012-20 modifies and revises the organization of the Police Department. This ordinance furnishes and provides for two divisions within the Police Department, division of patrol and a division of investigative and administrative services. The ordinance also provides for a position called Lieutenant of Patrol, up to 4 Sergeants of Patrol and a Detective Sergeant. The ordinance also clarifies the qualifications of the Chief of Police.

Ordinance 2012-21 regarding post retirement health care benefits. The Township of Ocean provides post-retirement health care benefits to those employees that have 25 years or more of service to the Township. This ordinance was amended in 2012 to recognize years of service of MUA employees. This ordinance is to recognize US Military Service as counting towards the post-retirement health benefits. The State of NJ recognizes US Military Service with regard to pension credits and pension time. The Township is being consistent in recognizing Military Service toward the calculation of years of service needed for post-retirement health care benefits.

Ordinance 2012-22 The Township of Ocean and Barnegat share UCC inspectors. The state mandates that the Townships have consistent and same charges associated with UCC inspections. This ordinance contains over 100 separate and unique fees. When one fee is changed, both towns have to recognize the change.

Ordinance 2012-5 First Reading, Title Only, deals with the NJ Natural Gas Franchise Agreement. All municipalities must have franchise agreements. This franchise agreement runs from June 2009 retroactive to October 2013.

Ordinance 2012-23 First Reading, Title Only, vacating land at the end of Memorial Drive to the County for the purpose of open space and land preservation.

Resolution 2012-313 Authorizes the hiring of seasonal employees for Public Works. The fall season is very busy with leaf collection. Public Works will be hiring two seasonal employees at \$12 per hour. The employees will work until the end of the year. Seasonal employees are not entitled to health care or pension benefits.

Resolution 2012-317 Chapter 159 resolutions inserting a \$18,237.00 grant into an already adopted budget. This Emergency Management 966 grant from the power plant is utilized to purchase equipment and supplies associated with public safety.

Resolution 2012-328 Certain employees are being transferred within the Township. One employee is moving from Public Works to the Water/Sewer Department, replacing a pending retirement. Another employee is moving from Police Dispatch to Public Works.

Resolution 2012-319 Hiring a part-time, per diem employee for Police Dispatch at \$13.00 per hour. This employee is not entitled to benefits such as health care and pension benefits.

Resolutions 2012-330 and 2012-331 NJ Department of Transportation paving grants. Resolution 2012-330 requests from the Department of Transportation a six-month extension to perform paving work associated with the fiscal year 2011 paving grant on three roads. 2012-331 authorizes a submittal of a NJ Department of Transportation paving grant for fiscal year 2013 for Caldwell Road.

Resolution 2012-332 Hiring of full-time Police Officer, Kyle Pimm. Within the next 12-18 months, approximately twenty-five percent of the force will be retiring. These sworn officers have to be replaced in a systematic orderly fashion. There has to be a period of transition, training and education.

PUBLIC PORTION:

Motion to open Public Comment was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Ralph Avellino, 10 Central Avenue, reported that the Waretown Volunteer Fire Company and Founder's Day Committee are hosting a Costume Party on October 27, 2012 at the firehouse.

Mr. Avellino stated there are very few people in the audience. The meeting should be changed back to a reasonable time.

John Petrosilli, Vessel Road, inquired about Ordinance 2012-23 regarding vacating properties along Memorial Drive.

Township Attorney McGuckin discussed that the County has been after property the Township owns that adjoins the County park on Route 532 for a number of years. The Township has been waiting for an

opportunity to convey that property to them but in return get something for it. This ordinance authorizes to enter into agreement with the County, conveying the land to them and in return, receive 5 acres of land in the Town Center area adjoining the Waretown Lake, which would be conveyed to the Township from the County and reserve 60+ acres of property that the County owns, which the Township can utilize for mitigation purposes for DEP permits in the Town Center. As the Town Center develops, the Township needs land, which has to be preserved for mitigation purposes.

Mr. Petrosilli inquired if this will have an impact on Memorial Drive.

Township Attorney McGuckin stated no and discussed the Township is giving up a right-of-way across from what the County already owns.

Mayor Tredy discussed that Volunteer Way is the street that is to extend to Route 532, not Memorial Drive.

Barry Bender, Bay Avenue in Forked River, discussed monies being held by Waretown for a project by K&R Homes. K&R Homes owns lots on Walker Lane and wanted to subdivide. As part of the subdivision, K&R was ordered to pay for extension of water service and paving of the road. K&R paid \$27,000.00.

Township Attorney McGuckin stated that is not accurate. K&R volunteered to make that payment in order to receive their approvals from the MUA. K&R was not ordered to do it. That was an agreement K&R entered into with counsel, with the MUA. K&R was to provide that money to the MUA as their fee for extension of the water lots.

Mr. Bender stated K&R paid \$26,748.00 for the road. Following those payments, the road was paved by the County for \$3,223.50. The payments were made in 2004. K&R received one escrow statement for the monies that were given for the road extension. K&R never received an escrow account and do not know if there is an escrow account. It is time to resolve the situation.

Township Attorney McGuckin discussed the matter will not be resolved. K&R has sued the Township and resolved their litigation with the Township. The money is still in escrow and has not been touched at the direction of Township Attorney McGuckin. The Township will not voluntarily turn the money over. K&R entered into the agreement and received the benefit of the agreement, then tried to rewrite the agreement. K&R agreed to pay the money to the MUA for the purpose of the water/sewer lines and road extensions. K&R received annual escrow statements and then was told they will not receive any more statements or money. K&R was also told if they wish to sue the Township they should do so. K&R subsequently instituted a lawsuit against the Township, did not raise this issue and settled the lawsuit after being indicted for bankruptcy fraud.

Mr. Bender inquired why the left over money was not returned to K&R.

Township Attorney McGuckin discussed that was not what the money was for and has told K&R if they think they are entitled to the money, feel free to institute a lawsuit. The Township is not voluntarily releasing that money. K&R voluntarily agreed to pay the funds. The Township took the funds and K&R received the benefit of that agreement. After K&R received the benefit of that agreement, K&R then said they wanted the money back.

Mr. Bender inquired what was the benefit of the agreement.

Township Attorney McGuckin discussed K&R received water/sewer improvements to their property. That is what the money was for.

Mr. Bender stated the cost of doing that was a fraction of what K&R paid.

Township Attorney McGuckin discussed the improvements to the road was \$2,000.00. The extension of the water/sewer lines was much more expensive than that. After K&R made the agreement, they do not have the right to go back and say they want the money back.

Motion to close Public Comment was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Motion to approve the meeting minutes dated August 9, 2012 and September 13, 2012

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Resolution 2012-311 Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$3,003,225.98

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Ordinance 2012-20 – Second Reading – Public Hearing

An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey, Amending Chapter 2.44 of the Codified Ordinances of the Township of Ocean.

Motion to open Public Hearing was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

No public comment.

Motion to close Public Hearing was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Motion to approve Ordinance 2012-20 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Ordinance 2012-21 – Second Reading – Public Hearing

An Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, Amending Ordinance 2012-11 and Ordinance 2007-36 to include years of service in the U.S. Military in the calculation of years of service with the Municipality.

Motion to open Public Hearing was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

No public comment.

Motion to close Public Hearing was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Motion to approve Ordinance 2012-21 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Ordinance 2012-22 – First Reading – Title Only

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 15 OF THE OCEAN TOWNSHIP GENERAL CODE BOOK AND AMENDING ORDINANCE 2012-19

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Ordinance 2012-5 – First Reading – Title Only – (tabled 3/8/12)

ORDINANCE OF THE TOWNSHIP OF OCEAN, OCEAN COUNTY, NEW JERSEY,
CONSENTING TO THE FRANCHISE RENEWAL RIGHTS FOR NEW JERSEY NATURAL
GAS COMPANY TO LAY AND MAINTAIN GAS MAINS, PIPES, AND SERVICE PIPES,
IN AND UNDER THE SURFACE OF ANY OR ALL OF THE ROADS, STREETS,
AVENUES, HIGHWAYS AND PUBLIC PLACES, FOR
THE PURPOSE OF FURNISHING NATURAL GAS TO THE TOWNSHIP OF OCEAN
Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.
Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Ordinance 2012-23 – First Reading – Title Only

An Ordinance of the Township Committee of the Township of Ocean, County of Ocean,
State of New Jersey, Vacating all Right, Title and Interest in the “Memorial Drive Right-
of-Way Easement” across Lots 32.03 and 32.04 and Transferring Ownership of Block
33, Lots 9 & 10 and Block 35, Lot 1 to the County of Ocean for Purposes of Land
Preservation.
Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.
Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

CONSENT AGENDA

The below listed items are considered to be routine by the Township Committee of the Township of Ocean and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the consent agenda and will be considered separately

- 2012-312 Resolution authorizing a service contract with West Jersey Air Conditioning for 1 year
- 2012-313 Resolution authoring hiring seasonal temporary workers for DPW
- 2012-314 Resolution authorizing payroll deductions for employee’s that participate in a program from Primeamerica
- 2012-315 Resolution authorizing release of escrow money for Block 200 Lot 1.08 in the amount of \$101.90
- 2012-316 Resolution appointing Sandra Brennan as Alternate Registrar
- 2012-317 Resolution authorizing the insertion of revenue in the 2012 budget in the amount of \$18,237.00 for the Emergency Management 966 Reimbursement Program
- 2012-318 Resolution authorizing the assessment change as a result of an Ocean County Board Judgment and authorizing the Treasurer to refund the amount of \$872.47 for block 33 Lot 24
- 2012-319 Resolution authorizing the Treasurer to refund \$1,463.21 for over payment for block 57.14, Lot 21

- 2012-320 Resolution amending Resolution 2012-307 as property Block 11, Lot 6 and Block 12, Lot 1 are qualified exempt properties and authorize the Tax Collector to cancel the taxes for 2012
- 2012-321 Resolution authorizing a lien be placed on 300 Sixth Street in the amount of \$103.79 due to failure to maintain property
- 2012-322 Resolution authorizing a lien be placed on 20 Nautilus Road in the amount of \$480.35 due to failure to maintain property
- 2012-323 Resolution authorizing a lien be placed on 208 Fourth Street in the amount of \$216.06 due to failure to maintain property
- 2012-324 Resolution authorizing a lien be placed on 83 Bay Parkway in the amount of \$93.56 due to failure to maintain property
- 2012-325 Resolution authorizing a lien be placed on 79 Clearwater Drive in the amount of \$44.92 due to failure to maintain property
- 2012-326 Resolution authorizing a lien be placed on 7 Letts Landing in the amount of \$1,648.56 due to failure to maintain property
- 2012-327 Resolution authorizing the Tax Collector to be discharged from collecting 2012 Taxes from Block 57.16, Lot 48 as he is a disabled veteran
- 2012-328 Resolution authorizing employee department transfers
- 2012-329 Resolution authorizing a per diem employee for dispatch
- 2012-330 Resolution authorizing the Township Engineer to request a six month time extension for the Department of Transportation FY 2011
- 2012-331 Resolution authorizing the submittal of the Department of Transportation Grant for Caldwell Road
- 2012-332 Resolution authorizing the hiring of Full-Time Police Officer Kyle Pimm
- 2012-333 Resolution recognizing Breast Cancer Awareness Month and "Pretty in Pink" Day, October 17, 2012
- 2012-334 Resolution authorizing the release of the maintenance bond for Sands Point Park Phase 2B
- 2012-335 Resolution authorizing T & M to be the project engineers on NJEIT applications and projects

Motion to approve Resolutions 2012-312 through 2012-335 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Mayor Tredy discussed liens are placed on abandoned and vacant properties that are not maintained. Township employees perform the clean up. When the property is sold, the Township gets reimbursed.

Motion to approve the Community Center, Township Ball Fields and Waretown Memorial Recreation Park:

1. Annette Bonfonti – November 5, 2012, December 16, 2012
2. Lori Barcz – January 26, 2012, November 4, 2012
3. Amanda and Dan Loftus – October 28, 2012, October 26, 2012
4. Susan Avellino – October 6, 2012
5. Donna Nowak – October 6, 2012
6. Stephanie Schneider-Linnert – November 11, 2012
7. Girl Scout Troop 96 – November 17, 2012
8. CERT Team – December 12, 2012

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Motion to Approve a Social Affair Permits for the Waretown Volunteer Fire Company on October 27, 2012 for the Halloween Dance Fundraiser and November 3, 2012.

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Motion to approve the Utility Collectors reports dated May 31st revised, July 31st and August 31st , and September 11, 2012 and Tax Report dated October 4, 2012

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Motion to authorize Half Yard Production use of the Township boat launch on Dock Avenue or the boat ramp at Sands Point Park.

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Committeeman Lachawiec inquired the time frame the ramps will be used.

Township Clerk Ambrosio discussed October 13, 2012, weather permitting.

Next Scheduled Meeting – November 8, 2012 at 6:30 pm

Adjournment

Motion to adjourn was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.
Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date